

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1402 OF 2005

IN
SUIT NO.1309 OF 2005

Colgate Palmolive Company & anr. ... Plaintiffs

V/s.

G.P. Marketing ... Defendants

Mr.Riaz Chagla with Mr.Kunal Damle i/b Udwadia &
Udeshi for Plaintiffs

None for Defendants

CORAM: SMT.NISHITA MHATRE, J.

DATED: JUNE 28, 2006

P.C.:

. The Plaintiffs contend that the Defendants have infringed the Plaintiffs' trade mark and as also indulged in passing off their goods using a deceptively similar mark to the plaintiffs' mark. The Plaintiffs have a registered trade mark "COLGATE" for dental cream. The logo of the plaintiffs "CP" has also been registered. The Defendants are using the word "COLGET" for the bathroom stands manufactured by them. The label is annexed at Exhibit H. The logo of the the Defendants is "GP" which according to the Plaintiff is deceptively similar to their logo.

2. In my view, there is an obvious case of infringement of the plaintiffs' trade mark. The Defendants have also used the mark "COLGET" which is

phonetically similar to the plaintiffs' registered trade mark "COLGATE". Furthermore, the logo "GP" used by the defendants is visually and deceptively similar to the logo used by the plaintiffs' logo "CP".

3. Ad-interim relief has already been granted to the plaintiffs.

4. The Defendants, though served, are not present today. In the circumstances, the Notice of Motion is made absolute in terms of prayer clauses (a), (b) and (c).